



BILL RICHARDSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

**Air Quality Bureau**  
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**RON CURRY**  
**SECRETARY**

**CINDY PADILLA**  
**DEPUTY SECRETARY**

**CERTIFIED MAIL NO.**  
**RETURN RECEIPT REQUESTED**

**Permittee:**

Sangre De Cristo Gravel Products, LLC  
506 Rio Rancho Blvd NE  
Rio Rancho, NM 87124

NSR Air Quality Permit No. 3450  
Ramon Romero Pit - Portable Crusher  
TEMPO No. 25779 - PRN20060001  
AIRS No. 35-777-1196

**Company Official:**

Francisco Melendez  
Manager

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Mary Uhl  
Bureau Chief  
Air Quality Bureau

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Date of Issuance

Air Quality Permit No. 3450 is issued by the Air Quality Bureau of the New Mexico Environment Department (Department) to Sangre De Cristo Gravel Products, LLC pursuant to the Air Quality Control Act (Act), NMSA 1978, §§ 74-2-1 et seq and regulations adopted pursuant to the Act, including Title 20, Chapter 2, Part 72 of the New Mexico Administrative Code (NMAC), (20.2.72 NMAC), Construction Permits and is enforceable pursuant to the Act and the air quality control regulations applicable to this source.

This permit authorizes Sangre De Cristo Gravel Products, LLC to operate a 250 ton per hour (TPH) portable rock crushing facility which crushes, screens, and stockpiles aggregate material of varying sizes for use in asphalt and concrete mixes, or for use as a gravel product. This facility is authorized to be initially located approximately 0.5 miles west of Cleveland, New Mexico in Township 20

North, Range 15 East, Section 5 of Mora County. The plant shall relocate only with prior approval from the Department to the specific location described in the relocation application (see Condition 6, Plant Relocation Notice and Condition 7, Restriction on Relocation).

The Department has reviewed the permit application for the proposed construction. Based on the control measures described in the application and the conditions of this permit, the Department has determined that the provisions of the Act and ambient air quality standards will be met. Conditions have been imposed in this permit to assure continued compliance. Subsection D of 20.2.72.210 NMAC states that any term or condition imposed by the Department on a permit or permit revision is enforceable to the same extent as a regulation of the Environmental Improvement Board.

Pursuant to 20.2.75.11 NMAC, the Department will assess an annual fee for this facility. This regulation set the fee amount at \$1,500 through 2004 and requires it to be adjusted annually for the Consumer Price Index on January 1. The current fee amount is available by contacting the Department or can be found on the Department's website. The AQB will invoice the permittee for the annual fee amount at the beginning of each calendar year. This fee does not apply to sources which are assessed an annual fee in accordance with 20.2.71 NMAC. For sources that satisfy the definition of "small business" in Subsection F of 20.2.75.7 NMAC, this annual fee will be divided by two.

All fees shall be remitted in the form of a corporate check, certified check, or money order made payable to the "NM Environment Department, AQB" and shall be accompanied by the enclosed remittance slip. Fees shall be submitted to: NM Environment Department, AQB at the address shown on the invoice.

#### **TOTAL EMISSIONS**

The total potential emissions from this facility, excluding exempted activities, are shown in the following table. Emission limitations for individual units are shown in Specific Condition 2.

**Total Potential Criteria Pollutant Emissions from Entire Facility (for information only, not an enforceable condition):**

<b>Pollutant</b>	<b>Emissions (tons per year)</b>
Nitrogen Oxides (NO <sub>x</sub> )	36.4
Carbon Monoxide (CO)	7.8
Volatile Organic Compounds (VOC)	0.6
Sulfur Dioxide (SO <sub>2</sub> )	2.4
Total Suspended Particulate Matter (TSP)	48.7
Particulate Matter less than 10 microns (PM <sub>10</sub> )	19.4

**Total Potential HAPS that exceed one ton per year (for information only, not an enforceable condition):**

Pollutant	Emissions (tons per year)
None	

Pursuant to 20.2.72 NMAC, and the specific regulatory citations in parenthesis, the facility is subject to the following conditions.

**SPECIFIC CONDITIONS**

1. **Construction/Modification/Revision and Operation**  
(20.2.72.210 NMAC; NSPS 40 CFR § 60, Subparts A and OOO)

a) This permit authorizes the construction and operation of the following equipment:

Table 1.1, Equipment List<sup>1</sup>

Unit No.	Unit Type	Manufacturer	Model	Date of Mfg.	Serial Number	Process Capacity	NSPS OOO
1	Primary Jaw Crusher	Cedar Rapids	2236	1999	47627	250 ton/hr	Yes
2	Cone crusher	TBD	TBD	TBD	TBD	250 ton/hr	Yes
3	3 Deck Screening Plant	Cedar Rapids	S6203SC	2000	49665/049684	250 ton/hr	Yes
4	Generator Set Engine	Caterpillar	SR4B 3406	1999	9DR02844 1LS00794	400 KW/ 536 hp	No
6	Channel Frame Conveyor	Custom Built	Custom Built	TBD	NA	250 ton/hr	Yes
7	Channel Frame Conveyor	Custom Built	Custom Built	TBD	NA	250 ton/hr	Yes
8	Conveyor	TBD	TBD	TBD	TBD	250 ton/hr	Yes
9	Conveyor	TBD	TBD	TBD	TBD	250 ton/hr	Yes
10	Conveyor	TBD	TBD	TBD	TBD	250 ton/hr	Yes
11	Conveyor	TBD	TBD	TBD	TBD	250 ton/hr	Yes
12	Conveyor	TBD	TBD	TBD	TBD	250 ton/hr	Yes
13	Conveyor	TBD	TBD	TBD	TBD	250 ton/hr	Yes

<sup>1</sup> All to be determined (TBD) values shall be reported to the Department within fifteen (15) days after the startup date of each piece of equipment.

- b) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
- c) This facility shall be constructed and operated in accordance with all representations in the permit application dated October 3, 2006 and received October 3, 2006 and in accordance with the legal authority specified above and the conditions of this permit.

- d) Crushers, screens, and conveyors, constructed, reconstructed, or modified after August 31, 1983, with a cumulative rated capacity of all initial crushers (those that can be fed without prior crushing) greater than 150 tons per hour of material for a portable source, and 25 ton per hour for a fixed source, are subject to federal New Source Performance Standards (NSPS), found in 40 CFR § 60, Subpart A - General Provisions, and Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants, and shall comply with both the notification requirements in Subpart A and the specific requirements in Subpart OOO.

**NOTE:** Particulate emission controls and opacity limits for both NSPS affected and non-NSPS affected equipment and emission sources are specified in Specific Condition 2, Emission Limits. Equipment subject to NSPS, Subpart OOO, will be referred to in this document as "NSPS affected equipment".

- e) Compression Ignited Internal Combustion engines subject to federal New Source Performance Standards (NSPS) found in 40 CFR § 60, Subpart A - General Provisions, and Subpart IIII-Standards of Performance for Stationary Compression Ignition Internal Combustion Engines shall comply with both the notification requirements in Subpart A and with the specific requirements of Subpart IIII.
- f) No National Emissions Standard for Hazardous Air Pollutants (NESHAP) applies to this facility. Prior to any asbestos demolition or renovation work, the permittee shall determine whether 40 CFR § 61, Subpart M, National Emissions Standards for Asbestos applies.
- g) Substitution of equipment is authorized provided the replacement equipment is functionally equivalent and has the same or lower process capacity as the piece of equipment it is replacing in the most recent permit. The replacement equipment shall comply with the opacity requirements in Specific Condition 2. The Department shall be notified in writing within fifteen (15) days of equipment substitutions.
- h) The process rate shall not exceed 250 tons per hour.
- i) The conveyor between the primary crusher and the screen plant shall be equipped with a conveyor weigh belt or similar device and a data-logger to track and record the process rate.
- j) This facility is restricted to operate no more than 8 hours per day, 6 days per week and 2500 hours per year. The plant may only operate during daylight. For the purposes of this permit, "daylight" is defined as the time period between sunrise and sunset, as defined by the Astronomical Applications Department of the U.S. Naval Observatory. (Data for one day or a table of sunrise/sunset for an entire year and a given location can be obtained at <http://aa.usno.navy.mil/>. Alternatively, the sunrise and sunset times can be obtained from The Old Farmers Almanac or from <http://www.almanac.com/rise/>).

- k) The number of haul road round trips shall not exceed 80 round trips per day. Signs shall be posted limiting speed to 15 miles per hour.
- l) At the initial location, the facility shall maintain at least a 100 meter (328 feet) boundary from the perimeter of the area of operations with restricted or controlled access to the public within that boundary. The area of operations is the area within the restricted area which contains all emissions units and activities which may produce air contaminants, all disturbed lands and all haul roads except the haul road between the restricted area and the property boundary. Disturbed lands include all active mining areas, stockpiles, and overburden removal areas used for operation of the facility.
- m) Existing berms or other physical barriers shall be maintained around the pit area to minimize the impact of operations on the occupied structures adjacent to the pit.
- n) Upon relocation, the facility shall maintain at least a 100 meter (328 feet) boundary from the perimeter of the area of operations with restricted or controlled access to the public within that boundary.
- o) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase emissions or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a revision or modification to this permit. No revision or modification shall begin prior to issuance of a permit.
- p) Truck traffic areas and haul roads going in and out of the plant site shall be watered and treated by application of base course to control particulate emissions (80% emission control required). This control measure shall be used on roads as far as the nearest public road. Haul roads between the perimeter of the area of operation and the property boundary shall be controlled by the same methods. Haul road dust control shall result in no visible emissions as determined by Reference Method 22 in 40 CFR § 60 Appendix A.
- q) The fuel combusted in the generators shall be No. 2 Diesel Fuel containing less than 0.05% sulfur by weight.
- r) This facility shall not remain at any one site more than one year from the date of initial startup at that site if the prevention of significant deterioration minor source baseline date for that air quality control region (AQCR) has been established for NO<sub>2</sub> or PM<sub>10</sub>.
- s) Modeling will be required prior to co-location with any other facility.
- t) When operations cease at the site of a permitted facility, prior to leaving the site, owners or operators should employ reasonable measures to reduce or avoid wind-blown particulate matter.

- u) This facility is allowed to be relocated.

Compliance with Condition 1 will be based on Department inspections of the facility, compliance with the NSPS 40 CFR § 60 Subpart A - General Provisions, Department reviews of production records, submission of appropriate permit applications for modification and/or revision, and timely notification to the Department regarding equipment substitutions and relocations.

2. Emission Limits

(Subsection A of 20.2.72.210 NMAC; Subparagraph (b) of Paragraph (1) of Subsection B of 20.2.72.210 NMAC; 20.2.77 NMAC; and NSPS 40 CFR § 60, Subparts A and OOO)

**Particulate Emissions:**

- a) If during any compliance testing, any crusher, screen, conveyor belt, or conveyor transfer point, exhibits an opacity reading greater than 5% opacity, that emission point shall be equipped with water sprays, a dust collection and control system, a containment system, (i.e. cyclone, scrubber, baghouse, enclosures over transfer points, conveyor drop chutes), or other equally effective control measures to minimize emissions. The control measures, as required above, shall be installed within 30 days of the compliance test and operated as on an “as needed” basis to meet the opacity limitations contained in this permit. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR Part 60.11 and Reference Method 9 in 40 CFR Part 60 Appendix A.
- b) Particulate emissions from NSPS affected transfer points, belt conveyors, screens or other affected facilities, as defined by Subpart OOO, shall not exhibit greater than 10% opacity. Particulate emissions from NSPS affected crushers shall not exhibit greater than 15% opacity.
- c) Particulate emissions from non-NSPS affected transfer points, belt conveyors, screens, feed bins, and from stockpiles shall not exhibit greater than 10% opacity. Particulate emissions from non-NSPS crushers shall not exhibit greater than 15% opacity.
- d) As required by 40 CFR § 60, Subpart OOO, particulate emissions from any stack shall not contain a concentration of particulate matter in excess of 0.05 g/dscm (grams/dry standard cubic meter) (0.022) gr/dscf) and shall not exhibit greater than seven (7)% opacity. The 7% opacity requirement does not apply to emissions that are controlled by a wet scrubbing control device; however, additional recordkeeping and reporting is required. Compliance with this condition shall be determined by particulate concentration and opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Methods 5 for stack particulates and Method 9 for opacity in 40 CFR § 60, Appendix A.

- e) No visible emissions from the permitted facility shall be observed crossing the perimeter of the Restricted Area for more than a total of five (5) minutes in any two (2) consecutive hours during facility operation. Compliance with this condition shall be determined by fugitive emission test conducted in accordance with 40 CFR § 60.11 and Reference Method 22 in 40 CFR § 60, Appendix A. During atmospheric conditions under which emissions cannot be controlled to meet the "no visible emission" requirement, the facility shall either:
- 1) cease operations, or
  - 2) execute applicable measures to mitigate emissions and notify the Department within twenty-four (24) hours by telephone or fax. The owner or operator shall submit written notification to the Department within ten (10) days after the start of the next business day. All such notifications and actions shall be in accordance with the procedures in 20.2.7 NMAC – Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance. If the visible emission requirement was exceeded due to weather conditions, the owner/operator shall document the weather parameters at the time and the measures taken to reduce or mitigate the emissions.
- f) Stockpiles shall be maintained with standard industry practices and procedures to minimize fugitive emissions to the atmosphere. Stockpiles shall be watered as necessary to minimize dust emissions.
- g) Sites of overburden removal and active pit areas shall be watered, vegetated or treated with a surface stabilizing agent, dependent upon existing wind speeds and soil moisture content, as necessary to minimize dust emissions.

#### Combustion Emissions:

- h) The combustion emissions from this facility shall not exceed those values listed in Table 2.1 below.

**Table 2.1: Allowable Emissions**

Unit No	TSP		PM10		NO <sub>x</sub> <sup>1</sup>		CO		VOCs		SO <sub>2</sub>	
	pph	tpy	pph	tpy	pph	tpy	pph	tpy	pph	tpy	pph	tpy
4	1.2	2.6	1.2	2.6	16.6	36.3	3.6	7.8	0.3	0.6	1.1	2.4

<sup>1</sup> Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO<sub>2</sub>

- i) All combustion source emissions shall be vented vertically.
- j) Emissions from stationary internal combustion engines shall not exhibit greater than 20% opacity. Compliance with this condition shall be determined by opacity test observations conducted in accordance with 20.2.61 NMAC and Reference Method 9 in 40 CFR § 60 Appendix A.

Compliance with Condition 2 will be based on Department inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 8 - Compliance Tests.

3. Monitoring

(Subsection C of 20.2.72.210 NMAC)

- a) The permittee shall continuously monitor all water sprays and other control devices in operation and shall certify that they are operating properly at the time of inspection and at least on a daily basis.

b)

Compliance with Condition 3 will be based on Department inspection of monitoring records and logs specified in Condition 4 - Recordkeeping.

4. Recordkeeping

(Paragraph (4) of Subsection B of 20.2.72.210 NMAC; Subsection E of 20.2.72.210 NMAC; NSPS 40 CFR § 60, Subparts A and OOO)

- a) The permittee shall keep daily records of:
  - 1. the date, start time, and end time of any production.
  - 2. the hourly production rate.
  - 3. the daily production rate.
  - 4. the total number of haul road trips for each hour.
  - 5. the method used to determine the hourly and daily production rates.
  - 6. the records necessary to support the calculation of the hourly and daily production rates.
  - 7. the frequency, quantity, and location(s) of the water application(s), or equivalent control measures shall be maintained.
  - 8. the daily inspection of all water sprays and other control devices in operation and any maintenance of the control devices.
- b) Each calendar week, the permittee shall calculate the total production hours in which the facility operates. The permittee shall calculate the weekly rolling 52-week total production hours for the facility.
- c) Each calendar month, the permittee shall record the opacity readings required under Specific Condition 8 Compliance Tests.
- d) The permittee shall keep records of the fuel sulfur content of all fuel purchased and used for unit 4 to demonstrate that the fuel contains no more than 0.05% sulfur by weight.



- e) Copies of the manufacturer's (or applicant's proposed) maintenance requirements and records demonstrating compliance with said requirements shall be maintained.
- f) Records required by this permit shall be retained at the plant site for the most recent two (2) year period and shall be made available to Department personnel upon request.

Compliance with Condition 4 will be based on Department inspection of records and logs.

5. Reporting

(Subsection E of 20.2.72.210 NMAC; 20.2.72.212 NMAC; NSPS 40 CFR § 60, Subpart A)

- a) The permittee shall notify the Enforcement Section, Air Quality Bureau in writing of:
  - 1. any equipment substitutions within fifteen (15) days of such substitutions;
  - 2. the date the plant leaves New Mexico or the Department's jurisdiction within fifteen (15) days of leaving;
  - 3. the plant's proposed relocation by filing a relocation notice no sooner than fifteen (15) days from the date of the proposed relocation;
  - 4. the anticipated date of initial startup of the source not less than thirty (30) days prior to the date;
  - 5. the actual date of initial startup of the source within fifteen (15) days after the startup date and the actual date of subsequent initial startup of any equipment within fifteen (15) days after the startup date.

This notification shall contain an equipment list that includes unit number, unit type, manufacturer, model, manufacture date, serial number, and process capacity.

- 6. any necessary update or correction no more than sixty (60) days after the operator knows or should have known of the condition necessitating the update or correction of the permit.
  - 7. excess emissions due to air pollution control equipment malfunctions (e.g. damaged/torn bags or failure of spray water pumps) or violations of the visible emission requirement in Condition 2e.
- b) The permittee shall maintain a list of all equipment associated with this permit at all times. All changes to the list shall be reported to the Department by notifying the Department in accordance with the equipment substitution notification process stated in Condition 1.

The reports and notifications shall contain the required information and shall be made in accordance with 40 CFR § 60, Subpart A - General Provisions.

Compliance with Condition 5 will be based on the timely submittal of the required reports.

6. Plant Relocation Notice  
(20.2.72.202.B NMAC)

- a) The Department shall be notified in writing fifteen (15) days prior to any relocation of the plant using the Department's Relocation Notice form, and shall be accompanied by a detailed plot plan showing the leased/owned property, the area disturbed by the operations, including the mining area and haul roads, all other particulate-emitting facilities within one (1) mile of the facility's proposed boundaries, and all occupied buildings within one-quarter (1/4) mile of the facility's proposed boundaries.
- b) At the time of notification, the operator shall also post notice of the relocation at the site in such a manner that the public has access to information concerning the proposed relocation. The operation of a facility at a new location shall not commence until the Department has officially approved the new location.

Compliance with Condition 6 will be based on timely notifications, and submission of all information required in this permit condition.

7. Restriction on Relocation  
(Subsection F of 20.2.72.200 NMAC; Subsection B of 20.2.72.202 NMAC; Paragraph (4) of Subsection B of 20.2.72.210)

- a) The plant is defined as the perimeter of the area of operations inclusive of all disturbed lands, including mining and overburden removal areas, used for the job. Approval of relocation may be denied if the relocation falls within any of the following categories:
  - 1. the plant is to be relocated within any city or town boundaries, and was not initially reviewed for these conditions;
  - 2. the plant is to be relocated within one-quarter (1/4) mile of a private residence, office building, a school or other occupied structure;
  - 3. the plant is to be relocated within one (1) mile of another particulate-emitting facility;
  - 4. the plant is to be relocated in an area where any Prevention of Significant Deterioration (PSD) increments, national ambient air quality standards (NAAQS), or New Mexico ambient air quality standards (NMAAQs) have been or will be exceeded,
  - 5. the plant is to be relocated within 5 km of a Class I area.
- b) Distances are measured from the perimeter around the area of operations to the nearest property boundary. The Department will promptly notify the operator if relocation is denied. The Department may require additional conditions at some

relocation sites. When a plant leaves New Mexico, or the Department's jurisdiction, the Department shall be notified. When a plant intends to return to New Mexico, or the Department's jurisdiction, a relocation notice shall be filed with the Department.

Compliance with Condition 7 will be based on Department inspections of the facility and the receipt of notification of relocation at least fifteen (15) days prior to relocation.

8. Compliance Tests

(Subsection C of 20.2.72.210 NMAC; 20.2.72.213; NSPS 40 CFR § 60, Subparts A and OOO)

- a) Initial compliance tests for particulate matter shall be conducted in accordance with EPA test Method 9 and 22 (if applicable) and the procedures for opacity in Appendix A of 40 CFR § 60, unless otherwise approved by the Department. Compliance tests shall determine the opacity at each crusher, screen, hopper, and conveyor transfer point, including transfers to stockpiles.
- b) The owner or operator shall perform initial compliance tests for NO<sub>x</sub>, CO, and Opacity on each combustion engine that has a site rating equal to or greater than 180 hp. The tests shall be conducted in accordance with EPA Reference Methods 1 through 4: Method 7E for NO<sub>x</sub>, Method 9 for opacity [20.2.61 NMAC], Method 10 for CO, contained in 40 CFR § 60, Appendix A, and with the requirements of Subpart A, General Provisions, 60.8(f). For NO<sub>x</sub> and CO, portable analyzer tests will be considered equivalent if Department guidelines are followed; however, the Department reserves the right to request Method testing in specific cases. Alternative test method(s) may be used if approved by the Department. The results of the NO<sub>x</sub> tests shall be expressed as nitrogen dioxide (NO<sub>2</sub>) using a molecular weight of 46 lb/lb mole in all calculations (each ppm of NO/NO<sub>2</sub> is equivalent to  $1.194 \times 10^{-7}$  lb/SCF).
- c) During engine compliance tests the owner or operator shall monitor and record the facility's hourly production rate. This information shall be included with the test report that is required to be furnished to the Department and shall be listed in tabular form or as part of the summary page of the test report.
- d) Additional compliance tests shall be conducted if it is deemed necessary by the Department to demonstrate that the facility is in compliance with all the applicable regulations or permit conditions. Compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed.
- e) If any equipment required by this subsection to undergo initial compliance test(s) is added, changed out, or replaced at the permitted facility, the owner or operator shall perform a compliance test on the new unit within sixty (60) days of notification,

consistent with the requirements of this subsection, unless waived by the Department in writing.

- f) The initial compliance tests shall be conducted within sixty (60) days of initial startup of the facility. Compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed. Compliance tests may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions.
- g) The owner or operator shall notify the Department at least thirty (30) days prior to the initial compliance test date and allow a representative of the Department to be present at the test. The permittee shall arrange a pretest meeting with the Department at least thirty (30) days prior to the initial compliance test date and shall observe the following pre-testing and testing procedures:
- h) The permittee shall provide for the Department's approval a written test protocol at least one (1) week prior to the anticipated pre-test meeting date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Department approval.
- i) The test protocol and compliance test report shall conform to the standard format specified by the Department. The most current version of the format may be obtained from the Enforcement Section of the Air Quality Bureau.
- j) The tests shall be conducted at ninety (90%) or greater of the maximum rated capacity of the unit as stated in this permit, or in the application if not in the permit, and at additional loads when requested by the Department. The permittee may request exceptions to this loading (such as loading necessitated by operating condition) from the Enforcement Section of the Air Quality Bureau. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the initial compliance test report to the Department. Opacities at other production levels shall be determined at the Department's request.
- k) If testing is conducted at less than 90 % of the maximum rated capacity of the unit as stated in the permit or application (if not specified in the permit), then the facility shall not operate at loads that exceed 110% of the tested load. Sufficient records shall be kept to show the actual production rates. If the facility wishes to operate at a rate greater than 110% of the tested rate and less than the permitted maximum production rate the permittee shall re-conduct the initial compliance test.
- l) The initial compliance test results shall be submitted to the Department within thirty (30) days after the completion of testing; one to the Permits Section and the other to the Enforcement Section. Operating parameters measured during the initial

compliance tests shall be listed in tabular form or as part of the summary page of the test report.

- m) The permittee shall perform six (6) minute opacity readings for each crusher, screen and stacker conveyor (material drop to storage pile) at least once per calendar month to demonstrate compliance with the opacity limitations in this permit. The test shall be done at the normal operational load of the facility. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR Part 60.11 and Reference Method 9 in 40 CFR Part 60, Appendix A. .
- n) Additionally, if requested by the Department in writing, the permittee shall perform six (6) minute opacity readings for each conveyors and stacker conveyor at least once per calendar month to demonstrate compliance with the opacity limitations in this permit. The test shall be done at the normal operational load of the facility. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR Part 60.11 and Reference Method 9 in 40 CFR Part 60, Appendix A.

Compliance with Condition 8 will be based on the satisfactory completion of the compliance tests, the timely submittal of the test results to the Department, and on meeting the opacity limits specified in this permit.

9. Revisions and Modifications  
(Paragraph (2) of Subsection A of 20.2.72.200 NMAC; Subsection E of 20.2.72.200 NMAC; Paragraph (4) of Subsection B of 20.2.72.210 NMAC)

- a) Any future physical changes or changes in the method of operation may constitute a modification as defined by 20.2.72 NMAC, Construction Permits. Unless the source or activity is exempt under 20.2.72.202 NMAC, no modification shall begin prior to issuance of a permit.
- b) Modifications or revisions to this permit shall be processed in accordance with 20.2.72 NMAC.

Compliance with Condition 9 will be based on Department inspections and the submittal of appropriate application for permit modifications or revisions.

10. Right to Access Property and Review Records  
(NMSA 1978, Section 74-2-13)

- a) The Department shall have the right to enter the facility at all reasonable times to verify the terms and conditions of this permit. The company, upon request from an authorized representative of the Department, shall produce any records or information necessary to establish that the terms and conditions of this permit are being met.

Compliance with Condition 10 will be based on Department inspections of the facility, production records and the maintenance of any other required information , and non-restricted entry to the property as defined in this condition.

11. Posting of the Permit

- a) A copy of this permit shall be posted and in view at the plant site at all times. The permit shall be made available to Department personnel for inspection upon request.

Compliance with Condition 11 will be based on Department inspections of the facility which show that a copy of the permit has been posted.

12. Notification to Subsequent Owners  
(Paragraph (1) of Subsection P of 20.2.72.7 NMAC; Subsection C of 20.2.72.212 NMAC)

- a) The permit and conditions apply in the event of any change in control or ownership of the facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions. The permittee shall also notify the Department within fifteen (15) days of the change in control or ownership.
- b) Any new owner or operator shall notify the Department, within thirty (30) days of assuming ownership, of the new owner's or operator's name and address.

Compliance with Condition 12 will be determined upon the permittee's notification of the permit and its conditions to any succeeding owner and notification of the change in ownership to the Department.

13. Permit Cancellations  
(20.2.72.211 NMAC)

- a) the Department shall automatically cancel any permit for any source which ceases operation for five (5) years or more, or permanently. Reactivation of any source after the five (5) year period shall require a new permit.
- b) the Department may cancel a permit if the construction or modification is not commenced within two (2) years from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year.

14. General

- a) Pursuant to Subsection A of 20.2.72.210 NMAC, the contents of a permit application specifically identified by the Department shall become the terms and conditions of the permit or permit revision. Unless modified by conditions of this permit, the

applicant shall construct or modify and operate the facility in accordance with all representations of the application and supplemental submittals that the Department relied upon to determine compliance with applicable regulations and ambient air quality standards. If the Department relied on air quality modeling to issue this permit, any change in the parameters used for this modeling shall be submitted to the Department for review. Upon the Department's request, the applicant shall submit additional modeling for review by the Department. Results of that review may require a permit modification.

15. Additional Requirements

- a) Applications for permit revisions and modifications, and items listed under ADDITIONAL REQUIREMENTS shall be submitted to:

Program Manager, Permits Section  
New Mexico Environment Department  
Air Quality Bureau  
2048 Galisteo  
Santa Fe, New Mexico 87505

- b) Compliance test protocols, regularly scheduled reports, a copy of the test results, and excess emission reports, shall be submitted to:

Program Manager, Compliance and Enforcement Section  
New Mexico Environment Department  
Air Quality Bureau  
PO Box 26110  
Santa Fe, New Mexico 87502-0110

16. Revocation

- a) The Department may revoke this permit if the applicant or permittee has knowingly and willfully misrepresented a material fact in the application for the permit. Revocation will be made in writing, and an administrative appeal may be taken to the Secretary of the Department within thirty (30) days. Appeals will be handled in accordance with the Department's Rules Governing Appeals From Compliance Orders.

17. Appeal Procedures

- a) 20.2.72.207 NMAC provides that any person who participated in a permitting action before the Department and who is adversely affected by such permitting action, may file a petition for hearing before the Environmental Improvement Board. The petition shall be made in writing to the Environmental Improvement Board within thirty (30) days from the date notice is given of the Department's action and shall specify the portions of the permitting action to which the petitioner objects, certify

that a copy of the petition has been mailed or hand-delivered and attach a copy of the permitting action for which review is sought. Unless a timely request for hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board. Petitions for a hearing shall be sent to:

Environmental Improvement Board  
1190 St. Francis Drive, Runnels Bldg.  
P.O. Box 26110  
Santa Fe, New Mexico 87502

If you have any questions regarding this permit, please contact Jay Stimmel in Santa Fe at (505) 955-8084.

cc: Brinda Ramanathan, Serafina Technical Consulting LLC

Enclosure: Industry/Consultant Feedback Questionnaire with envelope  
Relocation Form for Portable Crushers and Asphalt Plants



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